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TOWN RULE IN CONNECTICUT.

THE present commonwealth of Connecticut traces an illustrious Puritan origin back to two colonies planted at nearly the same date but composed of settlers of different type and acting under divergent political impulses. The founding of New Haven was begun by a band of merchant pioneers led by the Rev. John Davenport and Theophilus Eaton, who have fittingly been called the Moses and Aaron of the original company which they brought by sea from Boston in 1638 and planted on the present site of New Haven city. Although that company was well endowed with worldly goods and was urged to its new settlement by the material motives of trade and wealth, it, curiously enough, under the masterful personality of Davenport and his sympathetic colleague, Eaton, established a church state in which membership of the ecclesiastical society was the condition of the suffrage; and for some years after it impressed the same sacerdotal rule on the near settlements which sprang from the parent stem. The story of this colony may here be traced but briefly. It fell into trouble; its mercantile ventures failed; its "great shippe" freighted with a large part of its wealth was lost at sea, and an attempt to found trading colonies on the shores of the Delaware was thwarted, with much loss to its projectors, by the Dutch and Swedes. A few years found the colony reduced to poverty and despair, its anomalous church rule relaxed and its authority hard pressed by the more thriving colony on the Connecticut river, by which, after a rancorous and wordy conflict, it was absorbed in 1664, when its separate story ends.

History, therefore, in its bearing on our present subject, focuses upon the rival colony of Connecticut, and goes back to its primitive three towns of Wethersfield, Hartford and Windsor, with which Agawam (now Springfield) in Massachusetts

was temporarily joined. The three towns were planted by emigrants from Massachusetts Bay in 1634 and 1635, several years before the founding of New Haven. In June of the following year the three towns were reinforced and given fixity by the migration to them from Massachusetts of a colony of a hundred souls led by the Rev. Thomas Hooker. The new settlers were impelled to their exodus by controversies with the Massachusetts rulers concerning the powers of church and state which need not be rehearsed in this paper. Suffice it to say that Hooker's little band, traversing in an arduous two weeks' journey the wilderness between the river and the sea, gave the first firm settlement to the Connecticut colony and sowed the germ of the present commonwealth. The main stem of Connecticut's historical tree is rooted in the three towns which are still fitly symbolized by the three vines cut in the state seal.

Even in those far-away days and at the early dawn of the state, the scant records indicate that each town had its government by town meeting and its local officers. Such, at least, is the natural inference to be drawn from the situation of the little settlements, miles apart, in which some form of local regulation was imperative. Their more common interests were, for a year, controlled by a body of commissioners from Massachusetts; but in 1637 the primitive legislature appears, under the title of General Court, with not only six magistrates but deputies (committees) from the towns, which thus each assumed a representative entity and became an original legislative unit. Two years after, this form of government was confirmed by a set of organic laws (or "orders" as they were then called) which form the celebrated Connecticut constitution of 1639.

This renowned instrument, famed in civic history as the first written constitution ever penned in any land, deserves its prominence as the foundation rock on which Connecticut's present political system was placed. Who wrote it is uncertain; but its democratic principles and still more democratic temper point to Thomas Hooker, who, in a sermon preached in May, 1638, had declared doctrines of popular self-government far in advance of his times. Unlike Davenport in New Haven, who

was a democratic theologian, Hooker, the Moses of the Connecticut exodus, was a theological democrat, holding fast to the idea of a broad suffrage, the consent of the ruled to their scheme of rulership, and the subordination of church to state. The constitution, which he inspired if he did not pen, and which was adopted at a sort of delegate convention held at Hartford on the 24th of January, 1639, omits all reference to the King as well as to the parent Massachusetts colony; substitutes the imperative words "it is ordered, sentenced and decreed" at the opening of each article in place of the old conventional English form "be it enacted," and abounds in other phrases which show that it was a sort of declaration of democratic town independence as well as an organic code of laws. It provided for the election of not less than six magistrates besides the governor, and also for four deputies from each of the three towns. These magistrates and the governor had to be chosen from the patrician class of freemen, made up presumptively from the original freeholders; but the voters included the "admitted inhabitants," a group almost large enough to imply universal suffrage. It attests strikingly the advanced ideas of Hooker and his associates that their constitution provided that a plurality vote at the town meetings should elect the magistrates and governor, the language as to the latter being "he that hath the greatest number of papers [votes] shall be governor for that year"; while the theory of proportional representation was asserted in a clause which set forth that the number of deputies from any newly admitted towns should be "a reasonable proportion to the number of freemen that are in said towns." It is a curious fact, also, that those who defend the existing system of Connecticut representation on the ground of antiquity appear, until lately, to have quite overlooked these provisions of the ancient constitution, which prove that the fathers of the commonwealth laid its foundation broader than the structure which their posterity has reared.

Throughout this antique constitution the idea of town entity in the little federation as well as of town autonomy is conspicuous. In matters apart from the somewhat vague authority

granted under the compact, the towns had control of their local affairs. The "town unit" was recognized in the arrangement for separate sets of deputies from each, elected at town meeting; and there was a provision by which the towns, in case the governor and magistrates usurped powers, could, acting in separate capacities, create a new legislative body. The old constitution, however, did little more than ratify a system of town rule that had existed previously as the natural outcome of the condition of independence and isolation in which the early Connecticut settlements were placed. It gave popular consent and formal certification to an antecedent fact.

II.

Under that old constitution of 1639 Connecticut's laws were made and administered until 1662. But in 1661 the colony, craving a royal guaranty of its own existence, sent Governor Winthrop as a commissioner to the court of King Charles the Second. Winthrop succeeded in securing for the colony in 1662 a charter so liberal in its concessions that historians variously attribute it to the uncommon shrewdness of the commissioner, to his dextrous use of money at the corrupt court, and to the profound ignorance in England as to the importance of the remote Connecticut colony. Aside from the immense geographical boundaries which the charter assigned to Connecticut (reaching westward to the Pacific ocean), it was practically not much more than a confirmation by royal patent of the old constitution. It continued the former system, with a governor, deputy governor, twelve magistrates (thereafter, until 1819, called assistants) and deputies from the towns—all chosen by the suffrages of the voters at town meetings. It, however, limited the number of deputies to not more than two from each town; and in the provisions for the election of these deputies, as in those concerning the choice of governor and assistants, the words "major part" of the voters suggest election by majorities and not by pluralities. This interpretation of the charter is somewhat strengthened by a later enact-

ment (1742) of the General Assembly,¹ according to which, in the event of a clear majority of the popular vote not being cast for the governor and other officers, the legislature assumed the power of electing them. No such law would have been passed had the words of the charter been deemed explicit and final.²

Except during sixteen months — beginning on the 31st of October, 1687, when the old government was suspended by the autocratic Andros — Connecticut governed herself, nominally at least, under the King Charles charter from 1662 until 1818. During that long span of 156 years there were some essential modifications of her system, but none that seriously affected the powers of the towns or altered the principle of representation. In 1666 four counties were organized, and early in the eighteenth century the judicial powers of the governor and assembly were modified by a new set of courts. In 1698 it was ordered that the General Assembly, instead of legislating as a single body, should consist of two, — the assistants and deputies, — and that both must assent to a bill before it became law. It was enacted in 1707 that the voters could go outside the assistants and choose any freeman as their governor.³ As new towns were taken in, the size of the lower house grew rapidly. In 1784 five cities — New Haven, Hartford, Middletown, Norwich and New London — were incorporated. As to the representation from the towns, the changes were trifling. In general each town, on entering the Connecticut federation, appears to have taken the full privilege of choosing two representatives by the terms of the charter. The meagre legislative records of the middle of the eighteenth century show that four

¹ The charter name of the legislature.

² It will thus be noted that the transfer of the election of the governor and other state officers to the legislature when a majority vote is not polled by the people, which is now an active question in Connecticut politics, originated not in the old constitution nor in the King Charles charter, but in a simple rule of the legislature itself, which, up to the adoption of the constitution of 1818, any subsequent legislature could have repealed.

³ At one election in the autumn the voters in town meeting voted for twenty persons, who were thus formally put in nomination, and, from them, the governor and twelve assistants — the lineal predecessors of the present Senate — were chosen by a second election at the town meetings in the following spring.

towns which, on dividing, consented to take one representative, were afterwards given two members. In the interval between 1778 and 1790 many new towns were admitted with only one. This, however, was done, it appears, not as a formal legal precedent but as a sort of temporary rule, prompted by the growing cost of paying legislators and the small size of the representatives' chamber. But under it, oddly enough, several thriving and populous towns of the state have had but one representative until this day.

III.

The year 1818 opens the third and present constitutional epoch of Connecticut. In that year the Federalist and theocratic party of the state, after a long struggle reaching over years of savage politics, were defeated by the union of the Democrats with the dissenting sects that were seeking the overthrow of the Congregational church establishment. The outcome of the protracted and bitter strife¹ was the constitutional convention which gave, seventy-one years ago, her present fundamental law to Connecticut. Aside from the uprooting of the state church, the constitution made no fundamental change in the old forms of government. Briefly sketched, its provisions for representation were as follows: It gave each town the number of representatives it had before. If a new town was created, it was allowed but one representative; and the old town from which it was taken could not have its representation cut down on account of the division save with its own consent. The method of choosing the members of the upper house (senators) was left essentially unchanged.

It was not until 1874, when the absurdity of allowing but one representative to several new towns which contained cities (notably Bridgeport with 29,148 inhabitants) was clearly seen, that a constitutional amendment was adopted giving all towns

¹ There is a popular tradition in Connecticut, probably unfounded, that Dr. Lyman Beecher, then settled at Litchfield, hid his bible in a haystack on hearing the election returns which showed the triumph of the Democrats and "Toleration" party. Mrs. H. B. Stowe, in her *Poganuc People*, gives an interesting sketch of the times — which, however, does scant justice to their fierce and brutal politics.

with a population of five thousand or more inhabitants two members of the lower house; and in 1876 another amendment enacted that no new town should have a representative unless it contained twenty-five hundred inhabitants and unless the parent town, from which its major part was taken, had the same number. The Senate, meanwhile, by an amendment passed in 1828, was changed from a popular to a quasi-territorial body strongly permeated with the town idea. It was provided that, instead of being chosen on a general ticket, the senators should be elected by districts; the number of districts could not be less than eight nor more than twenty-four (the present number); no town could be divided in making a senatorial district nor could the number of senators from any county be less than two. Unless a clear majority of the electors of the state voted for a candidate for governor, the election was to go to the "town-made" legislature, where, in joint session of the two houses, the governor was to be chosen from the two candidates highest in the voting returns. The other state officers were to be chosen in a similar manner.

The too meagre journal of the constitutional convention of 1818 shows that Robert Fairchild, of Stratford, offered a motion to give two representatives to towns of four thousand inhabitants or more, and to all other towns one; but it was defeated. The motion was renewed, with twenty-five hundred and then with two thousand substituted for four thousand; but in both cases it was voted down. A clause setting forth that the legislature should have power to reduce the number of representatives, provided that there should be always one from each town, suffered the same fate; and the provisions for representation, as they now stand in the body of the constitution, were adopted by a vote of 112 to 72. By a vote of 127 yeas to 52 nays town rule in the legislature was still further expanded by allowing a simple majority in the legislature to override the governor's veto. The hold of the towns on the legislature was clinched by making it impossible to amend the constitution except by a majority vote in the lower house of one legislature, a two-thirds vote of both houses in the legislature next succeeding and

finally a ratification by the people. As Connecticut legislatures were made biennial in 1886, the gauntlet of time which a constitutional amendment must run is doubled and town rule still more strongly riveted on the state.

The foregoing review of the method of constructing Connecticut legislatures shows the persistent dominance of the town through all the constitutional changes. In justice to the men who framed the present constitution in 1818, it must be said that they did their work in the deep shadows of the township tradition. They had seen that plan during one hundred and seventy-nine years successful both in its relations to the commonwealth and in its local autonomy.¹ They had witnessed, in the more momentous convention which in 1787 adopted the constitution of the United States, the old "Connecticut idea" of two houses, one popular, the other territorial, triumphing after a long contest; and even as early as 1818, historians and statesmen had begun to lavish praise on the town idea as developed in the Connecticut polity. In 1818 no grave inequalities of the towns had begun to disturb their federative poise. There were five cities, or rather urban towns; but New Haven, the largest, had by the preceding census of 1810 a population

¹ The autonomy of the New England town, which has been so much extolled and which has reached its highest development in Connecticut, is a subject too broad for the scope of this paper, which is limited to the relations of town rule to the state. It may be stated, however, that in Connecticut the town autonomy still works fairly well, as a whole. Its gravest defects are in the towns containing cities, where (except in New London and Bridgeport, which have their city and town governments consolidated) the system still imposes a clumsy and expensive triple administration. Other defects have appeared in abuses of the system of poor relief, in fiscal methods of repairing roads and bridges, and in failure of the towns, under the option allowed by the state statute, to provide properly for public school education, shocking laxities of which are exposed in the last report of the state board of education. Another evil which developed some years ago in the town autonomy was too lavish "town aid" for railroads, which had to be checked by constitutional amendment in 1877. It is also noteworthy that a report to the state comptroller, made this year (1889), shows that 145 out of the 167 towns in the state have floating debts, that only five towns report no indebtedness whatever, and that the tendency of the local debts is to increase. As a broad rule it may be asserted that the state statutes relating to local government of the Connecticut towns, which are of a very general character, work pretty well in the average town, but fail at the two extremes; namely, in the towns containing cities on the one hand, and in the "poor" country towns with small population on the other.

of but 6967; and two of the urban towns, Norwich and New London, with 3588 and 3238 population respectively, were considerably exceeded by the eight towns of Litchfield with 4639, Groton with 4451, Stamford with 4440, Lyme with 4321, Fairfield with 4125, Wethersfield with 3961, Saybrook with 3926 and Guilford with 3845. The whole state, with a population of 261,942, contained but 120 towns sending 201 representatives. Now it has an approximate population of 722,517,¹ with twelve cities and 167 towns sending 249² members to the lower house.

IV.

The even poise of the Connecticut towns in the federative scale, so long maintained during the primitive epoch of the commonwealth, has been rudely disturbed during the last half century by two forces, working in unison but at opposite ends of the balance. One has been the swift growth of the cities, the other the simultaneous decline of the agricultural towns. Migration to the West and the drift of rural population to the cities and factory villages, so familiar all over New England, have been peculiarly forceful in Connecticut. The following table shows vividly this readjustment of her population :

	In the whole state.	In the cities.	Per cent in cities.
1800	251,002	24,131	9.6
1810	261,942	25,118	9.6
1820	275,148	28,671	10.4
1830	297,675	36,894	12.4
1840	309,978	51,721	16.7
1850	370,792	75,756	20.4
1860	460,147	124,579	27.1
1870	537,454	190,973	35.5
1880	622,700	244,558	39.3
1889 (est.)	722,517	335,235	46.4

¹ When population in 1889 is cited in this article, the figures are derived from the election returns of November, 1888, multiplied in each case by 4.7, the ratio of population to vote in the state as disclosed by the census and presidential election returns of 1880.

² By the division of the large town of Derby at the last session of the legislature, the lower house is increased to 251 members and the number of towns to 168.

The table next following is perhaps the most comprehensive of any that can be prepared to depict Connecticut's present unbalanced scheme of representation. It indicates, in comparison with the whole state, the total number of votes (Republican, Democratic, Prohibitionist and Labor) thrown at the last presidential election in towns which had each less than three hundred electors, together with the number of representatives to which each town is entitled:¹

	Total vote.	Repre- sentatives.		Total vote.	Repre- sentatives.
Burlington	269	1	Eastford	177	1
East Granby	199	1	Hampton	157	1
Hartland	169	2	Pomfret	272	2
Marlboro	89	1	Scotland	132	1
Newington	204	1	Sterling	219	1
Rocky Hill	259	1	Barkhamsted	176	2
Beacon Falls	78	1	Bethlehem	163	1
Bethany	139	1	Bridgewater	167	1
Middlebury	128	1	Canaan	277	2
Oxford	228	1	Colebrook	227	2
Prospect	114	1	Goshen	211	2
Wolcott	107	1	Harwinton	240	2
Woodbridge	196	1	Morris	161	1
Bozrah	214	1	Roxbury	254	1
Franklin	146	1	Warren	151	1
Ledyard	264	1	Durham	223	2
Lisbon	141	1	Killingworth	180	2
Lyme	248	2	Middlefield	192	1
Old Lyme	268	1	Westbrook	239	1
Salem	141	1	Tolland	282	2
Sprague	211	1	Andover	117	1
Voluntown	211	1	Bolton	125	1
Brookfield	247	1	Columbia	184	1
Easton	241	1	Hebron	270	2
Monroe	268	1	Union	118	2
New Fairfield	168	1	Willington	214	2
Sherman	189	1	Avon	263	1
Weston	207	1	East Haven	227	1
Ashford	251	2	North Branford	219	1
Canterbury	273	2			
Chaplin	147	1	Total (60 towns)	11,851	76
The whole state					
				153,978	249

¹ This table appeared in correspondence of the writer printed in the New York *Evening Post* of Nov. 28, 1888.

The sixty small towns cast, all told, about one-thirteenth of the whole vote of the state, yet elected more than three-tenths of the 249 members of the lower house. On a strictly proportional basis of representation, they would have chosen but nineteen, or one-quarter their present number.

A glance at a third table will show the striking disproportion between the representation of Connecticut's little towns and that of her two largest cities:¹

	Total vote.	Representatives.
Sixty small towns	11,851	76
New Haven	17,827	2
Hartford	11,331	2

Averaging the sixty small towns, or taking them collectively as a single district, a vote in one of them had the same numerical weight in legislation as about fifty-seven votes in New Haven or thirty-six votes in Hartford.

But the most significant comparison is between the two extremes of the scale — New Haven and the remote decaying town of Union in Tolland County :

	Assessed property.	Population.	Total vote.	Representatives.
New Haven . .	\$49,565,985	83,694 (est.)	17,827	2
Union	135,504	555 "	118	2

One voter in Union at the last election cast a ballot that was the legislative equivalent of 151 ballots in New Haven. If a citizen merely changes his residence from Union to New Haven he loses *ipso facto* one hundred and fifty one hundred and fifty-firsts of his voting manhood, as measured by his influence on

¹ In each case where the population, vote and wealth of the cities are referred to in the tables, they include also those of the town districts lying just outside of the cities. In every material aspect the difference between the town and the included city is so slight that it is ignored. Nothing more impressively shows the persistence of the Connecticut town idea than the fact that all the cities in the state (except New London and Bridgeport), besides their own urban government, must maintain also the ancient town and school district régime, making a most complex and expensive triplicate system. In New Haven, for example, every year town taxes are still voted at "town meetings," attended by a few score citizens of every grade who sometimes pass on fiscal questions involving hundreds of thousands of dollars. Of course such gatherings are easily "packed" and are prolific of public scandals.

Connecticut's law-making and in choosing state offices through the legislature. In other words, he is essentially disfranchised.

Two other groupings of the towns and cities show the system in a very fantastic light. One, on the basis of the twelve Connecticut cities, gives the following figures :

	Total vote.	Representatives.
New Haven	17,827	2
Hartford	11,331	2
Bridgeport	9,160	2
Waterbury	5,914	2
Meriden	4,967	2
Norwich	4,475	2
Danbury	3,979	2
New Britain	3,724	2
Norwalk	3,660	2
Middletown	2,746	2
New London	2,624	2
Rockville (Vernon)	1,626	2
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	72,033	24

The twelve cities, with approximately one-half of the vote of the whole state, had but a fraction more than two twenty-firsts of the lower house. A comparison of the same twelve cities with the four rural counties gives the subjoined table :

	Total vote.	Representatives.
<i>Twelve cities</i>	72,033	24

Rural counties:

Litchfield	12,354	41
Windham	7,673	24
Middlesex	8,251	22
Tolland	5,391	22
Total	33,669	109

The twelve cities, with more than double the vote of the eight counties, had but about two-ninths of their representation.

Perhaps the most anomalous contrast of all can be seen in two groups of "old" towns, neither of which includes cities. It is accounted for chiefly by the failure of the constitutional

convention of 1818 to provide for disparities in the divisions or growth of towns:

Towns.	Year of incorporation.	Total vote.	Representatives.
Huntington	1789	805	1
Branford	1644 (settled)	859	1
Hamden	1786	748	1
Waterford	1801	596	1
Stratford	1639 (settled)	1,150	1
Plymouth	1795	511	1
Total		4,669	6
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Hartland	1761	169	2
Union	1734	118	2
Ashford	1710	251	2
Willington	1727	214	2
Colebrook	1779	227	2
Durham	1708	223	2
Total		1,202	12

The provision in the present constitution against the division of towns in making senatorial districts, and which allots to each county not less than two, has produced a singular inequality in the state Senate, which, as at present constituted, is a hybrid body, neither territorial nor popular, but saturated with the town idea of representation. It is illustrated in the appended table:

Number of district.	Total vote. for senators.	Number of senators.
I (Town of Hartford)	11,285	1
VIII (Town of New Haven)	17,649	1
Total	28,934	2
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XXIV (part of Tolland County)	2,585	1
XXIII (part of Tolland County)	2,786	1
XX (part of Litchfield County)	3,360	1
XXI (part of Middlesex County)	3,982	1
XXII (part of Middlesex County)	4,004	1
XIX (part of Litchfield County)	4,133	1
XVIII (part of Litchfield County)	4,217	1
XVI (part of Windham County)	3,733	1
	28,800	8

It is thus shown that the two large urban senatorial districts had but one-fourth of the representation in the Senate allotted to eight rural districts which cast in the aggregate 134 fewer votes. It suggests the vantage given in the Senate to the dominant (Republican) party, under the present plan, that the seven present Democratic members of that body, numbering less than one-third of the full Senate, represent districts which at the last election cast 64,016 votes, or about three-sevenths of the votes of the whole state. The senatorial districts under the existing plan are easily gerrymandered, and such is their condition at present.¹

Inequalities in the congressional districts, though connected more remotely with the town system, are in one instance curious:

	Total vote.
Second District (New Haven and Middlesex Counties) . . .	50,275
Third District (Windham and New London Counties) . . .	23,520

As an exponent of the relation of taxation to representation, town rule in Connecticut is most grotesque, as the two following tables indicate:

<i>Ten cities:</i>	Assessed property.	Number of representatives.
New Haven	\$49,565,988	2
Hartford	48,575,184	2
Bridgeport	16,110,855	2
Waterbury	10,030,532	2
Norwich	13,186,569	2
New London	7,699,321	2
Meriden	10,408,442	2
New Britain	6,872,863	2
Norwalk	5,715,498	2
Middletown	8,225,655	2
Total	\$176,390,907	20

¹ It would evidently be unwise to return to the old system of choosing the Connecticut Senate on a general ticket—a system which would usually make that body consist entirely of members of the dominant party. The best plan, probably, for remedying the existing inequalities is to apportion the state into twenty-four districts as nearly equal as possible in population, and, to that end, allow counties and cities to be divided. Even this would not obviate gerrymandering—an evil of partisan politics which it seems impossible to remedy, except, perhaps, by some scheme for minority representation.

	Assessed property.	Number of representatives.
<i>Ten small towns:</i>		
Union	\$135,504	2
Hartland	201,858	2
Willington	229,901	2
Tolland	343,532	2
Ashford	265,144	2
Killingworth	217,660	2
Lyme	273,296	2
Harwinton	441,732	2
Durham	476,645	2
Canterbury	484,418	2
Total	<u>\$3,069,690</u>	<u>20</u>

The ten cities have assessed property amounting to a little less than one-half of all the assessed property (\$352,795,926) in the state, while the ten towns have but one one-hundred and fifteenth part. Of the ten towns seven showed a marked decrease of taxable property for the last year reported, as compared with the year preceding, illustrating the general law of decay in the farm towns.¹ It can also be shown that the ten towns named received last year from the state, in the form of payments for their public schools and pay of representatives, the approximate sum of \$8785, while they paid to the state only about \$4811 in taxes.

It will be observed that in the slow but steady development of town rule it has come to preponderate immensely in every department of Connecticut polity. It not only controls the lower house and powerfully affects the Senate, but, whenever

¹ Figures compiled by Mr. George E. Sill, of Hartford, show that forty-five towns of Connecticut, whose industry is exclusively agricultural, decreased in wealth from 1865 to 1876 to the amount of \$1,893,172, or seven per cent. During the same time the wealth of the state increased 29 per cent. In the period from 1876 to 1886 the forty-five farm towns lost \$2,741,520, or eleven per cent, while the wealth of the whole state decreased two per cent during the same decade. Between 1860 and 1880 the population of the state outside these forty-five towns increased 163,285, or over 38 per cent, while that of the towns decreased one per cent. Mr. Sill adds: "Of the 167 towns in the state, 111 are worth less to-day than they were in 1876, while the great gain may be found in the cities." The forty-five towns which Mr. Sill refers to send sixty-four representatives — about one-quarter of the whole number — to the Connecticut lower house, although they contain only about one-sixteenth of the wealth of the state.

state officers are chosen by the legislature, reaches with a mailed partisan hand into the executive branch and secures, through the nomination of the governor, the minor places of state. Custom, in Connecticut, has made the higher state judiciary non-partisan, and one or two of the state commissions are not made up entirely under the spoils theory. But the lower and municipal judgeships—except judges of probate—and the county commissions are filled by nomination of a petty county caucus of representatives of that party which happens to control the legislature, and thus fall within the domain of the spoilsmen. When a third organization of moderate strength has candidates in the field at a state election, the party that secures a plurality is likely to be defeated repeatedly, and the candidates that were second in the returns secure the state offices and patronage. This has now taken place at three successive elections, and Democratic pluralities of 1636 in 1884, of 1878 in 1886, and 1415 in 1888 have been overruled by Republican legislatures which chose the minority candidates; and the same result is likely to repeat itself indefinitely so long as the Prohibition party takes the field. With the present scheme of representation, discriminating as it does against the cities, it is easy to imagine a party plurality as high as ten thousand votes thus nullified. What makes this branch of the system very inconsistent is the fact that the presidential electors of the state are chosen by a plurality, as are the town representatives and senators whose joint votes nullify popular pluralities for state offices. As a measure of the wide divergency between the legislative and the popular vote, it may be noted that, though the Democratic candidate for governor received last November a popular plurality of 1415, yet the legislature then elected chose his opponent by a joint vote of 159 to 95.

V.

The radical unfairness of Connecticut's alternative method of choosing her governors, its injustice to the party which, after securing a plurality of the popular vote, is deprived of all share and responsibility in the executive branch of state management

and the resulting dangers to state loyalty and patriotism, are too palpable for extended comment. Although parties are slow to surrender political vantage, and minority governorships are intrenched behind the iron-clasped clauses of the state constitution, they must yield ere long to the steadily waxing popular sense of justice.

The defenders of this secondary method of choosing governors rarely employ argument;¹ but, when they do, they use two alleged analogies. One is the federal statute that requires a candidate for United States senator to obtain, before election, a majority of the legislature in joint session of the two houses. The natural theory of this is that the sifting process of balloting selects, finally, the fittest survivor. Whether such a theory now holds in practice, when the successful candidate is apt to win at last by craft, by deals, by combinations or by more sinister influences of mechanical politics, rather than by personal merit, may well be doubted. But, accepting the theory, the forcing of a deliberative body to take repeated ballots for the purpose of winnowing out the more unfit aspirants is manifestly a different proposition from the transfer of an election from the people, the fountain-head of political authority, to a different body—and that, in Connecticut, a decidedly unrepresentative one. Scarcely more illogical would it be, in case the legislature failed to choose a governor by the majority, to shift his election to an extraneous body like the supreme court of the state. The other analogy used by the advocates of the alternative choice of governors is the transfer of the election of our national Presidents to the federal House of Representatives when there is no majority for a candidate in the electoral college. In regard to this reasoning, it must be remembered that the framers of the federal constitution presupposed that the electoral-college groups would usually deliberate and agree before they reached a vote, and would not become the phantoms that they are now; and, in any case, there must be grave mis-

¹ There is very slight defence of this branch of the Connecticut system offered either in the press or the legislature, the beneficiary party relying almost entirely on its legislative *vis major*.

givings as to the intrinsic virtues of our electoral-college plan, which may shift the election of a President to a House chosen two and a half years before and very probably on other popular issues than those made prominent at the presidential canvass in which the electors were chosen. The two analogies are both of dubious merit *per se*, and one of them is quite illogical in its application. Neither will hold unless it be asserted that two imperfect similes make a valid reason.

On the other hand, as regards state legislation, the inequalities of Connecticut representation and the archaic town idea in which they are so firmly imbedded must be tested by the different standard of actual results. While clearly violating that dictum of proportional representation which the American theory of self-government by the people asserts, there is, nevertheless, a very substantial offset if it can be proved that in Connecticut town rule has been successful as well as historical. The question has two sides, but the weight of evidence lies heavily against the present overwhelming domination of the towns. While the fitness of town rule for the needs of the commonwealth before the present century cannot be gainsaid, the plan in these later days has so many fundamental defects that it cannot be pronounced satisfactory, at least not in any absolute sense.

The years since 1818 have wrought a vast change in the social, moral, political and economic condition of the New-England country township. In the old days the town was a far more symmetrical community than it is now. The interests and the emotions of rural society focused more perfectly within the town limits. At an epoch before railroads, telegraphs, telephones and daily newspapers, and when a journey to the nearest city by the clumsy stage-coach was the red-letter event of a human life, each town, with its villages, had to create its own social orbit. Hence the township life was more localized, more centripetal, more intense. It expressed itself both in personal feelings and in social or civic forms from which Yankee communities are now fast drifting away: in a keener neighborly spirit; in more eager interest in the contentious but educational town meetings; in more frequent occasions of intercourse, such

as the village lyceums, the sewing societies, singing schools and ordinary social gatherings. The theocratic church alone, with its pastor invested with well-nigh pontifical dignity, was an immense factor in centering and vitalizing the town idea which permeated the whole life of the rural citizen. In politics the old-fashioned country squires — now a nearly extinct type — took the lead; and the ancient records show that they went to the legislature year after year, sometimes for half the span of their natural lives. The lists of the General Assembly of Connecticut furnish conclusive evidence of the extent to which this rational custom of re-election prevailed among the rustic voters of the old time, and show how completely, during the later decades, the practice has changed:¹

	Whole number of representatives.	Re-elected from previous year.	Per cent re-elected.
1790	171	109	63.7
1800	189	102	54.0
1810	199	83	41.7
1820	204	53	26.0
1830	208	47	22.6
1840	212	27	12.7
1850	222	27	12.2
1860	236	30	12.7
1870	239	24	10.0
1880	246	23	9.3
1889	249	13	5.2

As a class, those antique Yankee legislators were undoubtedly cramped in their views on party and church, and were not wide-minded in the latter-day meaning of the term. But they made up for these defects by their crystalline integrity, by their sober common sense, by their trained familiarity with the relatively few topics which then were the subject-matter of law-making. With them as its exponents, town rule worked out in state legislation results which were usually practical and always profoundly patriotic in motive.

How radical the change which a few decades have made in

¹ In the appended figures there are probably a few immaterial errors, as the table involved the comparison by the writer of nearly five thousand names of members of the General Assembly.

the status of the Connecticut town! Where it used to be centripetal it is now centrifugal. Its local interests have been decentralized and distributed, its unity impaired. The young men, the sinews of its body, have drifted to the cities or migrated to the richer soils of the West. Agriculture has become profitless, and foreigners have occupied the farms to eke out, by the most close-fisted economies, a scant subsistence where the old yeomanry lived, if not in luxury, yet not in want. In politics, bribery, open and unblushing, has sapped the *morale* of the rural constituencies. The position of a member of the state legislature, which used to be haloed with dignity, is now become a place too commonly sought from material motives, a perquisite more than an honor. As this fiscal view of the office of legislator has gained acceptance, it has brought in its train the "rotative" notion, the most baneful agency of all in lowering the *personnel* of Connecticut's law-making body. In a large proportion of the smaller towns it has become a tradition that a representative, once elected, has exhausted his claim to the office; and only at the peril of a local split in his party can he seek a re-election. Each citizen of moderate prominence in his party must take his turn and the place be duly passed around. The table already printed shows the evolution of this rotative custom with a certainty which cannot be impugned.¹

The legislature, thus made up on the theory of mutation and, to a certain degree, by agencies more malign, contains naturally many elements of weakness. Its members, having been rarely or never elected before and entertaining slight hopes of returning, are both untrained in legislative methods and without personal inducement to become so. There is for them no stimulus

¹ The small number of voters in a rural town, of whom only a part attend the nominating caucuses, gives the circle of rotation a limited circumference and the "rotative" claim fuller play. A representative of one of the smallest towns in the present Connecticut legislature fixes the average attendance in his town caucus, to nominate two representatives, at twenty-five — this, not because there is lack of interest in the caucus, but because the absolute number of voters is so small. In another Connecticut town, at the last election, the dominant local party cast forty-two votes for president.

to "make a record," as the modern phrase is. The leaders of ability are few and for that very reason they are more masterful and their followers more subservient. Parliamentary stratagems and the wiles of the lobby trap many victims from crass ignorance; and corruption avails itself of this, in the large lower house, by exercising itself upon the leaders. A prevailing and very pernicious notion among many of the bucolic legislators is that they must utilize their single session in "having a good time"—an aim that must be fatal to the sense of high responsibility as well as to the legislative promptitudes. Intellectually, the modern town-made representative in Connecticut is competent for the more simple sort of legislative questions. Topics relating to bridges, roads, fisheries, trespass, *et id omne genus*, as also the simpler branches of more intricate subjects, he is abreast of. But matters of more complexity, that exact broader generalizing and scientific treatment, like taxation, corporations, and the courts,—the myriad of problems forced on statecraft by modern civilization in a commonwealth filled with great vested interests,—are beyond his intellectual grasp.¹ It goes without saying that such a body has obstinate local prejudices and is pretty rigidly partisan. The large size of the lower house does something to preserve it from direct corruption.² This, when employed, generally concentrates on the Senate, which has become notoriously the stronghold of corporative influence.

VI.

Where is the remedy? How is it to be found and, when discovered, how put into efficient action? It must be frankly

¹ Concrete examples of legislation to prove these traits could be cited without number.

² The greatest contest in the annals of Connecticut legislation was fought in the lower house, last spring, over the question of allowing a rival corporation to "parallel" the main line of the New York, New Haven and Hartford Railroad company. At its close there were abundant and very specific charges of direct and indirect bribery. Similar exposures in the large New Hampshire lower house, during the great railroad contest some two years ago, go to indicate that successful corruption of large legislative bodies is a question not of their size, nor of the character of their members, but of the magnitude of the interests at stake.

conceded that even an imperfect answer to this query is difficult, a complete answer impossible. Some of the evils are connected with political problems that are vexing our epoch in every state and country where constitutional government and a liberal suffrage prevail. Corruption at the polls, the declension of legislative character, civic jobbery, the greed for official pelf — these evils are not restricted to Connecticut. They are national, and their redress is to be found, if at all, by slow and tentative reforms. Town rule in Connecticut, so adequate for simpler days and men, has not firmly resisted the impact of these political ills, but neither have they been mastered in other states where the town idea has been absent or less potential.

The Connecticut advocates of town rule (who, as was to be expected, are found almost exclusively in the party that profits by the system) admit the disparities of representation and its undemocratic spirit. But they contend that an enlargement of representation from the cities gives no assurance of betterment. They aver, and with plausibility, that neither in Connecticut nor in other American commonwealths has the influence of the cities or the character of their representatives been such as to improve either the mental scope or the moral integrity of legislative bodies.

In the case of the Connecticut cities this argument has a substratum of fact. While the cities have often sent to Hartford men of prominence and character, their representatives have too commonly, of late years, been second-rate and sometimes quite unfit. But for this evil the existing misrepresentative scheme, which allots but two members to each of the urban towns, is largely responsible. In the urban towns the two candidates for the lower house of the legislature are now nominated by a town convention composed of delegates chosen at ward primaries. Experience has demonstrated that the better kind of citizen will rarely attend a primary at which he does not vote directly for a candidate. In consequence, the quality

¹ It is, of course, really a convention of delegates from a city acting in its town capacity.

of the town convention is lowered, and with it the quality of the candidates whom it puts in nomination. Representation in the legislature falls into the vortex of general city politics, with its bargains, intrigues and often viler forces that decide the nomination. The partial remedy — there can be no radical cure — is to grant the cities fairer proportional representation and divide each municipality into assembly districts which, in many cases, would probably coincide with the wards.¹ Many of these wards in the Connecticut cities (indeed, the larger number) are as yet peopled by respectable voters, whom personal knowledge of the candidates would urge into the nominating ward caucus. The politics of the various wards, so far as they relate to the candidates for the lower legislative house, would thus be more strictly localized and would be closely assimilated to those of the small towns where the personal acquaintance which each voter has with the candidate is the one check that is left on the deterioration of legislative character.² While the representatives sent from the lower wards would undoubtedly be inferior, the gross result would be a decided gain over the limited representation now derived entirely from "machine" politics, ratified by electors who have no personal criteria to stimulate them to intelligent and independent voting. In this connection it

¹ This system with some variations has been adopted by Massachusetts, Maine and New Hampshire; but it would be impossible to review its results intelligently without local and direct study. In Vermont, on the contrary, the legislative system is a close copy of that in Connecticut, from whence the former state was partly settled. Each of her 243 towns has but one representative in the lower house; and of her thirty senators the fourteen counties have each one, while the remaining sixteen are apportioned according to population. Her system of representation is therefore not much more popular than in Connecticut, yet works satisfactorily. But Vermont has not had her town-rule equalities disturbed by the growth of cities. Her largest towns are Rutland, with a population (1880) of 12,149, and Burlington with 11,365, and the population of the state remained almost stationary during the decade from 1870 to 1880. Her political and social status is therefore not essentially different from that of Connecticut in 1818, when the wisdom of the constitutional convention of that year ratified the town-rule theory which had so well endured the tests of almost two centuries.

² In the ordinary Connecticut town the caucuses to nominate representatives are well attended and the interest in them of citizens of every class is satisfactory. This would go far to improve the quality of the nominations, if it were not for the mischievous custom of rotation.

should also be emphasized that the abolition of legislative governors would further tend to raise the standard of the lower house. The voter who has a good party candidate for governor, but a bad one for representative, is less likely to "bolt" the latter so long as the candidacies of the two are blended.

It is true that, as the cities increase in size, the district system gives unsatisfactory results. The better class of citizens move to the suburbs, the "slum" wards relatively increase, and the interest of respectable voters in local politics slackens. New York city, with its assembly districts which send so shabby a type of representatives to Albany, will occur as an extreme example. Still, it is only when cities reach their hundreds of thousands that this evil becomes flagrant; and long before that time is reached in Connecticut, the advance of the cities will have forced simply by its own momentum some readjustment of the present constitutional scheme of representation.¹ With almost one-half of the population and more than one-half the wealth of the state already in the cities,

¹ In addition to the constitutional obstructions to a change of the present system in Connecticut, the reform is delayed by the timidity of the Democratic leaders, who are slow in forcing the question on account of their fears of the opposition of members of their own party in the little towns. It is constantly urged that a remedy can be found in a constitutional convention to revise the fundamental law of 1818. But even if a town-made legislature can be induced to vote for such a convention, the body would itself be town-made and the result of its deliberations would be somewhat doubtful. A scheme of a pretty radical character to evade the spirit of the constitution while fulfilling its letter has begun to be discussed and may yet, in case of Democratic ascendancy in a single state legislature, be put in practice. It involves the proposition that, when a city and a town government have been consolidated, the wards should be incorporated as towns, each having its two representatives. Under the constitution each of these ward-towns would have to choose its board of selectmen and town clerk; but, except in making new voters, the duties of these officers would be nominal, the new "town" being largely a fiction and created only to enlarge the representation of the cities. The change would be revolutionary in fact but regular in form. That so bold a plan is soberly discussed shows the danger of a too radical eruption under the high pressure generated by the existing abnormal system.

In this connection it may be noted that, vast as are the hereditary powers of the Connecticut towns in legislation and jealously as those powers have been guarded, they exist only by the assent and agreement of the towns collectively. In other words, a single town has legally no reserved rights and is the creature of legislation. This principle has been emphatically asserted by the supreme court of the state, in *Webster vs. Town of Harwinton* (32 Conn. Reports, 131) and in other cases there cited.

which are constantly draining the brain and muscle of the country districts, the pressure on town rule is already severe and some qualification of it is inevitable.

On the plea of broad political expediency the final argument for the change must rest. For better or worse, the American theory of republican self-government is fixed in the postulate that large aggregations of people with the credentials of wealth and intelligence should not remain unrepresented in legislative councils. When an inherited system impairs seriously equal representative privileges, and, particularly, when it is perpetuated by party interest, the ultimate change is not more sure than are the partisan bitterness, the rancor and passions generated while the strife for the change is in progress. No reasoning from antiquity or anything else will ever convert the popular belief in this country to the notion that it is "fair" that New Haven, with 83,694 residents and 17,827 voters, should have the same numerical power in legislation as a town of 555 inhabitants and 118 voters — any more than it would be possible to enforce the dictum that New York city ought to have but two members in the Assembly of the Empire state and a single state senator. Foresighted statecraft, recognizing the evil when a majority of a people chafe under a blistering sense of wrong, and descrying also the danger of extreme and retaliatory enactments when the party of change finally triumphs, offers timely concessions, abates or removes the grievance and accepts reform by zephyr rather than by cyclone.

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